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ELECTION METHODS AND REFORMS IN PHILADELPHIA.

Introductory.

The Act of July 2, 1839,[1] was the last comprehensive law dealing with the subject of elections to be passed by the Pennsylvania legislature. While in 1874, and again in 1893, election laws were passed, the former making changes incidental to the adoption of the new constitution, and the latter introducing a new form of ballot, neither made any claim to dealing comprehensively with the subject. All legislation since 1839 has been either supplementary to or amendatory of one of these three acts. Of such amendments there have been a great number, scarcely a session of the legislature having passed without the enactment of one or more, and in some instances of as many as a dozen. Consequently there are many conflicting provisions on the statute books, which neither the election officers nor the state and city officials entrusted with the conduct of elections, nor even the

[1] P. L. 519.

judges of the court themselves, are able to harmonize. Take so simple a matter as that of changing a polling place. The Act of 1855 provides:

"It shall be the duty of the select and common councils of the said city (*i. e.*, Philadelphia) to designate the place of holding elections in the several election divisions of the wards in said city and to notify the sheriff thereof at least thirty days prior to the first Tuesday after the first Monday in November and they shall have full power and authority to remove or change the place of holding the elections in any of the said election divisions whenever by reason of inability to hold said election at the place so designated a change shall be necessary."[1]

The Act of 1856 provides that:

"The place for holding the elections in the City of Philadelphia may be changed in accordance with the provisions of the fifty-sixth section of the Act of 1839, which provides that, 'It shall be lawful for the electors of any township, ward or district to change the place for holding the elections for inspectors and other officers of such township, ward or district in the manner following, to wit:' "[2] [Then follows a description of the methods to be pursued:]

The Act of 1893 provides that it shall be the duty of the several courts of quarter sessions of the several counties of the commonwealth to designate the polling places in the several districts, in the manner described in the act.[3] Besides these three, there are ten other provisions quoted in "Smull's Legislative Handbook" relating to the same subject.[4]

On the other hand, many important matters are left untouched, either because the draftsman of the original act did not see fit, on account of the conditions then existing, to provide for them, or because of subsequent unintentional repeal. For instance, there is no law directly bearing on the question whether the removal from a division of an assessor of voters works a forfeiture of office; nor one

[1] Act of 1855, Section 2, P. L. 264.
[2] Act of 1856, Section 31, P. L. 573.
[3] Section 2, P. L. 107.
[4] Edition of 1899, pages 418 to 420.

providing for appointment in case of vacancies. In a test case brought by the Municipal League of Philadelphia, the Court of Common Pleas No. 1 held that a removal did work a forfeiture and that the power of appointment in such cases rested in the court of common pleas.[1] No opinion accompanied this decision of the court, so we cannot ascertain upon what grounds the decision was determined. Prior to this case, however, the county commissioners had assumed and exercised the power of appointment.

There are many other incongruities in the laws due partly to the method pursued in their enactment. For instance, residence in an election division is not a qualification of election officers (the judge and inspectors of election), yet the Act of 1897[2] provides that,

"In all election districts where a vacancy exists by reason of a disqualification of the officer, or by removal, resignation, death or other cause in an election board heretofore elected or appointed, or who may hereafter be elected or appointed, the judge or judges of the court of common pleas in the proper county, upon proof furnished that such vacancy or vacancies exist, shall at any time before any general municipal or special election appoint," etc.

That is to say, while a non-resident may be elected a judge or inspector of election, the resident who removes from his division after his election cannot serve as a judge or inspector.

It is not my present intention, however, to analyze the existing laws, but rather to describe the conditions which have grown up under them.

So far back as 1856 the inadequacy of the state's election laws was clearly recognized. Justice Reed in the case of Page *v.* Allen said:[3]

"I was counsel for Mr. Kneass in 1851 and for Mr. Mann in 1856 and from what I saw in those contested election cases I was fully convinced that the election laws were totally inefficient in preventing

[1] 23 County Court Reports, 654.
[2] Section 1, P. L. 38.
[3] 59 Penna. State Reports, page 365.

frauds, and subsequent exposures have confirmed me in my opinion. In some districts of the city's plague spots fraudulent voting is the rule and honest voting the exception."

If our laws were inadequate then, how much more so are they now! There has been no codification since 1839. We have only a patchwork hastily put together from time to time without due regard to actual conditions. The Act of 1839 was passed when Pennsylvania was sparsely settled, but when her population of 1,724,033 was substantially permanent. The population of Pennsylvania is now dense, and in many places, especially in the cities, shifting. No man in the city knows more than a very few of his neighbors, unless he be a politician. The basic principle of machine politics is an accurate knowledge of every man in the district, his shortcomings and his strength, his predilections and his general attitude. A law which might have been adequate for a state population of 1,724,033 and a Philadelphia city population of 258,037 (I quote from the census figures of 1840) can scarcely in the nature of things prove satisfactory for a state numbering 6,302,115 and a city numbering 1,293,697.

Registration.

In some respects the law relating to the registration of voters is the most important law with which we have to deal in describing the election methods prevailing in Philadelphia. Under the Act of 1891[1] it is made the duty of an assessor to visit in person each and every dwelling house in his district on the first Monday in May and on the first Monday in December of each year, or as soon thereafter as may be possible and practicable, and to make a list in a book prepared for that purpose by the county commissioners, of all the qualified electors he may find upon careful and diligent inquiry, to be *bona fide* residents of his district, together with the date of his visit. There is one assessor to each

[1] P. L. 134.

election district in the City of Philadelphia. As there are 1,014 election districts or precincts, there are 1,014 assessors. The assessor is almost invariably chosen by the party primaries. He is usually a man unknown to the voters at large and for reasons which will become apparent later on, is chosen because of his willingness to act as the tool of the leader or boss by whom he is selected. Not infrequently assessors have been chosen who could not write and in many wards the assessors do little more than take the previous assessors' lists and add such names as they are directed to add by the politicians. Under the law they are only required to take the names given them by whosoever answers the door. In many localities they gather their information chiefly from the servants; in others by those interested in having fraudulent names inserted on the list. In districts made up largely of lodging houses, furnished-room houses, houses of ill-fame and tenements, the names are usually supplied by the proprietors. In many instances forty, fifty and sixty voters are registered from such places and the burden of correction is placed on the public. I recall one house in the Thirteenth Ward where, during a recent canvass, fifteen names were furnished to the assessor by the proprietor, although an examination of the premises disclosed that there were accommodations for but six people and that on the day of assessment the proprietor advertised rooms to let! As the assessment is intended to disclose the *bona fide* voters of a division or district and as residence is one of the qualifications of a voter, the fraud in this case becomes at once apparent.

An actual canvass of the eighteenth division of the Thirteenth Ward prior to the election of November 6, 1900, disclosed that there were thirty-five names assessed from the house 307 North Ninth street, though traces could be found of but nine residents. From the house 309 North Ninth street twenty-three names were registered, of whom traces of four only could be found. From the four houses, 307, 309, 311

and 313 North Ninth street, there were eighty-two voters assessed, of whom only twenty-one could be found.

As illustrating the looseness of the system of registration prevailing in Philadelphia the following instance is given: Canvassers as they went through a district, and called at the various houses, asked if certain well-known politicians lived there. As those who attended the door had been previously instructed to answer "Yes" to every inquiry as to voters in the house, it was found that the Director of Public Safety, Abraham L. English, was, according to the testimony of those of whom the inquiry was made, the resident of six or eight houses in the same division; as was General Frank Reeder, the chairman of the Republican State Committee, and other prominent politicians.

The following experience, gathered in a previous campaign, is illustrative to the same end: With sealed envelopes addressed to the names upon the assessors' lists, canvassers went to suspected houses and inquired for the assessed voters. They found that the people of whom they made inquiries had been posted to answer that the supposed voters lived there. The residents of the houses where fraudulent names were registered were easily trapped by such a series of questions as this: "Does George D. Baker live here?" "Yes." "Does I. W. Durham live here?" "Yes." "Does Charles F. Warwick live here?" "Yes." "Does John Hogan live here?" "Yes." "Why, you are deliberately falsifying," was Hogan's reply. "I am John Hogan; George D. Baker lives in the east end of the ward; George S. Graham is the district attorney and lives in the Twenty-ninth ward; Mr. Durham lives in the Seventh Ward and Charles F. Warwick is the mayor," etc. This announcement was sufficient to end the interview and to reveal the fraud that had been practiced. Hogan met just such experiences as this in three-fourths of the places visited.[1]

Some two or three years ago an examination of the

[1] The *Arena*, October, 1900.

assessors' lists in one of the divisions of the Fifth Ward disclosed that the house 521 Lisbon street, which was at the corner of Hurst street, and was also known as 511 Hurst street, had thirty-two names registered from it; sixteen names from 521 Lisbon street and sixteen names from 511 Hurst street, although the house only consisted of three small rooms, about 12 x 12, one on top of another.

A canvasser in the Eighth Ward called my attention not long since to the fact that the ingenuity of the assessors in inventing fraudulent names had evidently been exhausted, as the list contained quite a number of names given in one order and the same names given in a reverse order. The intelligence of this assessor was not quite up to that of another Eighth Ward assessor, who two or three years ago, under stress for names, assessed a pug dog under the name of "William Rifle." A canvass of forty-one houses in the Tenth and Thirteenth Wards prior to the election of November 6, 1900, disclosed that of 316 names on the list but 128 were genuine. Testimony of the same kind might be indefinitely adduced from such wards as the Third, Fourth, Fifth, Sixth, Seventh, Eighth, Tenth, Eleventh, Thirteenth, Fourteenth and Sixteenth, which are known in local political circles as "police wards."

If the returns of the assessors in Philadelphia are correct the time-honored ratio of one voter to every five of population will have to be abandoned, that is, if the recent census taken in Philadelphia is to be relied upon, as I presume it is. An examination of the census returns for the forty-one wards of Philadelphia discloses that the city's total population is 1,293,697. The May assessment, taken at or about the same time that the census figures were gathered, shows 320,422 names on the assessors' list or one vote to every 4.037 of population. In many wards the ratio fell as low as 1 to 2.75 and only in three of the forty-one did it exceed one to five. If the returns of the assessors are correct and if the

ratio of one to five holds good, the population of Philadelphia should be 1,670,445.

These facts in regard to registration suggest an inquiry as to the purpose of this wholesale padding of assessors' lists. In the first place, it furnishes the machine with an opportunity for repeating, the padded names being voted on by the repeaters. Not long since one man was convicted of repeating and admitted that he had voted thirty-eight times at the November election of 1898, and another admitted that he had voted thirty-three times on the same occasion. Secondly, it increases the councilmanic representation, the law providing that each ward shall have one common councilman for every 2,000 assessed voters. Thirdly, it furnishes names for fraudulent assessors and election officers. It was disclosed in the now notorious case of Commonwealth *v.* Salter *et al.*, that certain fraudulent names were put on the ballot and voted for and elected at one election. At the succeeding election the places of these names were taken by imported scoundrels who stuffed the ballot box to the extent of two hundred votes.

The following statement, taken from an editorial of one of the leading papers in Philadelphia, shows the value of this fraudulent padding of the list. These are the facts brought out in court in the case of Commonwealth *v.* Hogan *et al.*:

"That the assessor of the division kept a house of prostitution.

"That he had padded his list with fraudulent names registered from his house.

"That two of the names used as election officers were assessed from his house.

"That he was already under a criminal charge for like frauds as assessor.

"That a burglar only a month out of prison acted as an election officer under the name of one of the regular officers.

"That this burglar had formerly lived in the assessor's house and had been registered therefrom.

"That the constable of the division likewise kept a disreputable

house and had the assessor's list padded with fraudulent names as living in his house.

"That two others of the pretended election officers were assessed from that infamous place.

"That the constable's son fraudulently acted as an election officer under the name of some one else.

"That a policeman was likewise assessed as living in this abominable resort.

"That the major part of the more than 200 names on the assessors' list were registered from brothels, badger houses, gaming houses, and other places of revolting wickedness.

"That the election was held in the house of prostitution maintained by the assessor.

"That the man named as judge had also a criminal charge for a like offense pending against him.

"That 252 votes were returned in a division that had less than 100 legal votes within its boundaries."[1]

In the fourth place, the padding aids jury fixing. The jury lists of Philadelphia are made up from the assessors' lists and it not infrequently happens that the fraudulent names go into the jury wheel and it is not difficult for the jury fixers to find pliable tools to take the places of the men named.

In 1894 the Philadelphia *Times* estimated that there were 50,000 fraudulent names on the assessors' lists in Philadelphia. In 1899, in its annual report, the Municipal League of Philadelphia estimated that the fraudulent assessments ranged from 30,000 to 50,000. *The Press*, a leading Republican journal, the editor of which is Postmaster-General of the United States, estimated that there were at least eighty thousand names on the list.

Even less comprehensible to the uninitiated than the purpose of these padded lists is the reason why steps are not taken to do away with the evil. In 1894 this was attempted. Out of 5,177 names assessed in the Fifth Ward Judge Hare struck off 1,150. Out of a total of 8,133 examined in other wards 1,071 were stricken off. But this availed little because of

[1] *The Record.*

the constitutional provision that "no elector shall be deprived of the privilege of voting by reason of his name not being registered,"[1] and because of the provisions of the act of 1874, carrying out the objects and purposes of the constitutional provision.[2] Of course, it is within the range of possibility to prevent the swearing in of those not entitled to vote; but the obstacles are staggering, as will be shown later. Even the formality of swearing in votes has in many instances been abandoned. Furthermore, a man who will cast an illegal vote will perjure himself, and a man who will aid a perjurer and repeater will not hesitate to commit perjury. So after the names are stricken from the list as the result of canvassing, it is entirely possible for every name to be voted on if pliable tools can be found, and these are not far to seek where election fraud obtains.

Even the easy provisions of the act of 1874 are disregarded, section 10 of which provides that:—

"Any person whose name shall not appear on the registry of voters and who claims the right to vote at said election shall produce at least one qualified voter of the district as a witness to the residence of the claimant in the district in which he claims to be a voter, for a period of at least two months immediately preceding said election, which witness shall be sworn or affirmed and subscribe a written, or partly written and partly printed, affidavit to the facts stated by him, which affidavit shall define clearly where the residence is of the person so claiming to be a voter; and the person so claiming the right to vote shall also take and subscribe to a written, or partly written and partly printed, affidavit stating, to the best of his knowledge and belief, when and where he was born, that he has been a citizen of the United States for one month and of the Commonwealth of Pennsylvania, that he has been a resident of the commonwealth one year, or, if formerly a qualified elector or a native-born citizen thereof and has removed therefrom and returned, that he has resided therein six months next preceding said election, that he has resided in the district in which he claims to be a voter for a period of at least two months immediately preceding said election, that he did not move into the district for the purpose of voting therein."[3]

[1] Article VIII, Section 7, of the Constitution of 1874.
[2] Section 10 of the Act of 1874, P. L. 75.
[3] P. L. 35.

A careful examination of the records discloses that in a large number of instances the votes of non-assessed men are accepted by the election officers without requiring them to go through the formality of producing a voucher or swearing to the necessary affidavits, and a number of cases are now pending in the court, the gravamen of which is that the election officers have failed to require the proof required by law. The general disregard of the provisions of the act of 1874 has been largely due to the failure of the election officers to prepare and file lists of voters. Since the decision of Judge Beitler, in the autumn of 1900, to the effect that it is still incumbent upon election officers to file lists of voters in the office of the prothonotary for public examination it has been possible to ascertain to what extent election officers have been derelict in this particular regard.

Personal Registration.

The inadequacy of the laws relating to the registration and assessment of voters has led to an agitation for the introduction of personal registration. Pennsylvania is one of the few states in the Union that does not require a personal registration of voters in the cities, but depends upon the method prescribed in the act of 1891, *supra*, to provide election officers with a list of those presumed to be qualified to vote. An adequate personal registration law, however, cannot be enacted so long as there remains in the constitution the provision that "no elector shall be deprived of the privilege of voting by reason of his name not being registered." In 1897 a proposed amendment to the constitution providing for the elimination of this provision was introduced, but defeated. It was again introduced at the session of 1899 and passed both houses. Notwithstanding the substantial majority which was recorded for the amendment the Governor assumed the right to veto it; whereupon the Municipal League of Philadelphia, which had been

responsible for its preparation and introduction, at once instituted a mandamus suit in the Dauphin County court to test the right of the Governor to take this action. The lower court decided in favor of the Governor, but the Supreme Court of the state overruled the lower court and declared that the Governor had no right to interfere in any way with the submission of a proposed amendment to the constitution.[1] Under the eighteenth section of the constitution which relates to amendments it will be necessary for the proposed amendment to be passed by the present legislature, and then to be submitted to the people for adoption. The proposed amendment is permissive and not mandatory in form. It opens the way for an adequate personal registration law, and further does away with that constitutional provision which requires that all laws relating to the registration of electors shall be uniform throughout the state.[2]

It has all along been maintained by the country members and with much force, that they did not wish to subject the country districts to an elaborate personal registration scheme. Under the present constitution, the registration laws must be of uniform application throughout the state. Therefore, either the city must suffer from inadequate laws or the country districts must be burdened with a scheme of registration not required by the conditions existing there. Should the proposed amendment be adopted at the present session of the Pennsylvania legislature and approved by the people next fall, it will be possible for the legislature of 1903 to pass bills providing for the introduction of personal registration in the cities of this state, such as now exist in the state of New York.

Poll Taxes.

The Constitution of Pennsylvania prescribes the qualifications of electors to be as follows: First. He shall have been a citizen of the United States at least one month. Second.

[1] Commonwealth *v.* Griest, 196 Penna. State Reports, 396.
[2] Article 7, Section 8.

He shall have resided in the state one year (or if having previously been a qualified elector or a native-born citizen of the state, he shall have removed therefrom and returned then six months) immediately preceding the election. Third. He shall have resided in the election district where he shall offer to vote at least two months immediately preceding the election. Fourth. If twenty-two years of age or upward he shall have paid within two years a state or county tax, which shall have been assessed at least two months and paid at least one month before election. [1]

The provision requiring the payment of a state or county tax has been utilized by the political machines to introduce an elaborate system of petty bribery. Those who have not paid a tax on real estate or a state tax, such as is contemplated by the constitution, can qualify themselves to vote by paying a poll tax of twenty-five cents a year. Poll tax receipts good for two years are issued in great numbers, and for a long time grave scandals have been connected with their use. An attempt was made in 1889 to abolish the tax qualification in the constitution, but the amendment failed of popular approval largely because of machine opposition. The Act of 1897 was the second attempt made to deal with the evils incident to the payment of the poll tax. This act provides that "it shall be unlawful for any person or persons to pay or cause to be paid any occupation or poll tax assessed against any elector, except on the written and signed order of such elector authorizing such payment to be made, which written and signed order must be presented at least thirty days prior to holding the election at which said elector desires to vote." And further, that "It shall be unlawful for any officer, clerk or any other person authorized to collect taxes and receipt therefor, to receive payment of or receipt for any occupation or poll tax assessed for state or county purposes from any person other than the elector against whom such tax shall have been assessed, except

[1] Section 1, Article VIII, of the Constitution, 1874.

upon his written and signed order authorizing such payment to be made."[1]

This law has been of very little use and is now quite generally ignored. It is true there has been some attempt to comply with its terms; but without any substantial result. A case is now being prosecuted in Philadelphia wherein the deputy collector issued receipts in wholesale, to division workers as needed, under the direction of the ward leader. A similar case in another ward is under investigation.

During the campaign prior to the election in November 6, 1900, it was discovered in one division of the Thirteenth Ward, the seventeenth, that the receipts were issued in precisely the same order as the names appeared on the assessors' lists. I have since discovered that all the tax receipts in the twenty-first division of the Twenty-second Ward were issued in the same way. The voters in these two divisions must have applied to the tax receiver or his ward deputies in precisely the order in which they were assessed, or else their receipts were purchased for them by the politicians. The former is quite improbable.

As a matter of fact, the usual practice is for the division committeemen to make out a list of those assessed voters who have failed to buy receipts and then secure the needed ones from the ward deputy, who is usually a political appointee. The money for these purchases is supplied by the ward committee. Then blank tax receipts are often issued in bulk, the name of the assessed voters being filled in on the stub, but the receipt left blank. It not infrequently happens that a receipt turns up made out in a name for a division and ward which do not correspond with the name and ward and division entered on the stub. While it has not been positively determined, it is quite possible that in cases like those cited, where large numbers of receipts are issued in regular rotation, the stubs only contain the names in such order, and that the receipts are left blank to

[1] Act of 1897, sections 1, 2, P. L. 276.

be filled in on the day of election with such names as may be required.

Forged receipts are also issued in large numbers. A year ago the chairman of the Prohibition Committee received a large batch of them through the mail, and I have now in my own possession a number of receipts of which no trace whatever can be found in the tax receiver's office. Of course it is impossible even to approximate the number of such receipts, for there are no data upon which to base an estimate. Suffice it to say that the "machine" workers are always supplied with receipts, so that no one desiring to vote the "machine" ticket may suffer for want of one. In Pittsburg, I am informed by a well-known political leader, that both sides have agreed to disregard the tax qualification and there is no challenging on this line; a statement that finds ample support in the facts disclosed in the Guthrie contested election case of 1896.

In October, 1900, 127,375 poll-tax receipts were issued, an unusually large number, due to its being a presidential year. It is estimated that 80,000 of this number were purchased by political organizations. In January, 1900, the tax receiver rejected 20,000 orders filed by the Republican City Committee because of his belief that the orders were fraudulent. To avoid a similar experience, in the autumn the City Committee purchased its receipts through the ward deputies, a much more complaisant set of men, judging from the developments in the cases already investigated.

Lists of Voters.

The padding of the assessors' lists was for eight years reinforced by the failure of election officers to make lists of voters, as required by the acts of 1839 and 1874. This failure to prepare lists as the voting progressed, and to file them in the office of the prothonotary, not only handicapped, but effectually stopped, the detection of fraudulent voting

when the election board was friendly or subservient to the "machine." There was no evidence available that fraudulent names had been voted on, except that of the election officers, and experience had shown that this was a poor dependence.

With no vouchers filed, as required by the act of 1874 *supra*, and no list of voters filed as required by the acts of 1839 and 1874, the "machine" had everything its own way and the fraudulent vote mounted up rapidly. The abnormal Republican majorities began in 1892, the first year in which there were no lists of voters prepared and filed. Since then there has been a continuous increase until it reached the maximum in February, 1899, when Samuel H. Ashbridge, the present mayor, was given the unprecedented majority of 122,241. Ashbridge, Republican, received 145,778; Hoskins, Democrat, 23,557 votes.

In February, 1900, the Municipal League of Philadelphia instituted a case to determine whether the decision of the county commissioners, not to instruct the election officers to prepare and return lists of voters, was justified in law. After many vicissitudes the case was argued by District-Attorney Rothermel on behalf of the commonwealth, in support of the League's contention that the provisions of the acts of 1839 and 1874, requiring such lists, were still in force and effect. The attorneys for the county commissioners, Messrs. Brown and Fow, maintained that these provisions had been repealed by the act of 1891 (although the commissioners needed a whole year to come to this conclusion, having given the usual instructions after the passage of the act of 1891 up to the fall of 1892). Judge Beitler, in an elaborate opinion, overruled the commissioners and flatly decided that the two election clerks must make up lists of voters, one of which was to be filed in the prothonotary's office with the other election returns.[1]

[1] 9 District Reports, page 632.

Secrecy of the Ballot.

The disability clause of the Act of 1893, which reads:

"If any voter declares to the judge of election that by reason of any disability he desires assistance in the preparation of his ballot, he shall be permitted by the judge of election to select a qualified voter of the election district to aid him in the preparation of his ballot, such preparation being made in the voting compartment,"[1]

has been generally used by "machine" workers to control the easily intimidated vote. Where there is any doubt as to how a subservient voter intends to mark his ballot, or where there is doubt as to his ability to mark it, the worker insists that the voter take him into the voting compartment. Very often it is made a condition that the worker shall accompany the voter. To refuse is to create suspicion and it is not an unusual sight in some sections for the boss of the division to go in with every office-holder. In one division the boss marked thirty-five ballots, in some instances the voter not taking the trouble to go into the voting compartment, allowing the boss to take the ballot and mark it by himself. In another division the record of a watcher showed that the division boss, who was also the ward boss, had assisted 112 voters to mark their ballot. The banner division, however, is one in the Second Ward, where there are 158 voters of Italian birth to 8 of American or Irish birth. Yet the ballot of every Italian who voted was marked by one of the Irish-American voters. The returns showed that all who voted agreed with the worker who did the marking.

There is practically no longer a secret ballot in Philadelphia. The abuse of section 26 of the Act of 1893, as just mentioned, destroys it for a large number of the ignorant and easily intimidated and the form of the ballot destroys it for the rest. The law of 1893 provides for a straight ticket. The voter who supports the regular Republican or Democratic ticket can therefore vote his preferences by a single cross in the circle

[1] Act 1893, Section 26, P. L. 432.

at the top of the column containing the party ticket, which can be done in a very short space of time. The independently inclined voter, however, must mark each name with a cross, and this consumes much more time than voting a straight ticket. Consequently political workers can tell to a nicety whether a voter is voting straight or cutting. I have been in the election booth on occasions when there has not been a difference of more than two or three in the unofficial tallies kept by party workers and the official count of straight and cut tickets.

Not only is the secrecy of the ballot violated in the two ways indicated, but in many divisions the curtains required by law are taken down so that there is an unobstructed view of the interior of the voting compartment and every movement of the voter is discernible.

Intimidation.

Intimidation plays a large part in election methods. We have already mentioned one form of it, that of the political worker insisting upon marking the ballot, but by far the most dangerous and intolerable form is that of police intimidation. The Municipal League recently issued a leaflet entitled "Stumbling Blocks," which contains ten instances of brutal police interference and intimidation at the election held on November 6, 1900. The following case is quoted as illustrative of the others:

"The conduct of policemen and others in the fourteenth division of the Fourth Ward on election day was fully described before Magistrate Eisenbrown yesterday, when Police Sergeant William Morrow, of the Second and Christian streets station, and Robert and John Briscoe, colored, were given hearings. The police sergeant was charged with assault and battery and with illegally arresting Patrick C. McBride, judge of the election. The Briscoes were charged by McBride with assault and battery and with having attempted to kill him. McBride told how Sergeant Morrow and a dozen or more policemen loitered about the polling place from the time the polls opened. They were closed when the riot occurred at noon. 'A man, Miller by name,'

said the witness, 'entered the polling place a few minutes past twelve o'clock. He was accompanied by Robert Briscoe. Miller wanted to vote and Briscoe turned to me and said: "He wants me to assist him in the marking of the ballot." I asked Miller if he could read and write and he said he could. "Well, then," I said, "you need no assistant," and I told Briscoe he would not be permitted to give the voter any assistance.

"'Just then Robert Briscoe drew a revolver and after pointing it at me fired. John Briscoe also drew a revolver and shot at me. The polling place was then filled with an excited crowd and while I was endeavoring to escape some one struck me with a blunt weapon. I was dazed and when I recovered I was bleeding, and upon reaching the door Sergeant Morrow grabbed me and pulled me out on to the pavement.'

"'I'll send you to the hospital,' he said. '*Instead of sending me to the hospital he sent me to the Central Station, where I was locked up.* Another policeman had the man who assisted in the shooting and he let him go.'

"At the conclusion of the testimony Morrow was held in $1,500 bail and the Briscoes in $2,000 bail each."[1]

Why a judge of election should be locked up for seeking to do his duty is beyond the comprehension of ordinary citizens, but is apparently entirely clear to the police, whose conduct on such occasions tends to deter others from doing their duty.

The policemen take their orders to do rough political work because they know that their positions depend upon it. Citizens accept rough treatment from the police because they fear the consequences of complaint. In the sections where "roughing it" prevails, the population is not one marked by a careful and scrupulous compliance with the law and a hostile policeman can prove to be a source of great annoyance. On the other hand, a friendly policeman can conveniently overlook little infractions which might otherwise prove serious breaches of the peace. Just so with the police in their relations "to the front." The patrolman who obeys his political orders need have little fear that his delin-

[1] *The Press*, November 28.

quencies will find him out; but the one who thinks and acts for himself in matters political must needs keep close guard on himself and refrain not only from actual but from fancied wrongdoing. Within the past few months a lieutenant and two sergeants whose political affiliations or views did not suit the machine were dismissed on trivial charges,[1] notwithstanding that each one had upwards of twenty years of honorable service on the force to his credit.

An annoying and yet effective form of intimidation is that of sending anonymous or forged threatening letters to intending voters, alleging that an attempt to vote will be followed by prosecution. In the mayoralty campaign of 1895 the following letter was sent out in large quantities:

"INDEPENDENT CITIZENS' COMMITTEE,
"Room 1231 Drexel Building,
"PHILADELPHIA, *Feb. 16, 1895.*

"DEAR SIR:

"Upon a careful examination of the records in the office of the Receiver of Taxes, we find that your name does not appear as having paid a State or County tax within two years.

"You are, therefore, not entitled to vote at the coming Election.

"Voting, or attempting to vote, without the payment of tax is a misdemeanor punishable by fine and imprisonment.

"This Committee have engaged the services of eminent counsel and intend prosecuting all persons who cast or attempt to cast illegal votes.

"By order of the Executive Committee.

"CLIFFORD ROBERTS WOODWARD,
"*Chairman.*

"C. HENRY WOOD,
"*Secretary.*"

There was no such committee and there was no such room. The names were intended to create the impression that the circular had been sent out by R. Francis Wood, the well known secretary of the Pennsylvania Civil Service

[1] The Philadelphia *Press.*

Reform Association and by myself. The effect of such a letter was to keep the person receiving it from voting because of the fear that there might be something wrong with his receipt if he had one or because he did not care to be subjected to possible challenge at the polls. The average voter is timid and dislikes exceedingly any objection to the exercise of his right. Rather than run any risk many will not go to the polls if they have any thought that they are likely to have any trouble. Fully 75 per cent of such letters are effective either directly by causing the voter to stay home or in creating a feeling of resentment against those suspected of sending it, namely, those who are thought to have signed it.

Conclusion.

There are many other election methods pursued, such as holding back the returns until the number of votes needed is determined, then altering them and allowing the division boss to call off the vote from the ballots to suit his purposes; but these methods are incidental rather than general, as is also the stuffing of the ballot box, such as was practiced in the thirteenth division of the Seventh Ward, at the November, 1899, election, in the now famous Salter case. The general methods most frequently practiced are those which have been described at some length and the reason is obvious. The chances of detection are reduced to a minimum.

Accompanying the practice of the methods I have described there has been a general laxity of administration of the election laws which has materially aided fraud. The distribution of ballots is negligently done so that it is by no means difficult for a corrupt politician to gain possession of them in advance for his use. We have already noted the laxity which prevails in the matter of maintaining curtains and how this interferes with the secrecy of voting. In many divisions the election return sheets are signed before the official count is begun, and so I might enumerate many other practices which

prevail that in themselves are somewhat trivial and not so very reprehensible, and yet when combined with a corrupt intent by a shrewd and unscrupulous manipulator aid powerfully in the perpetration of fraud.

The Ballot Law of 1893 was intended to remedy many existing defects, but it has improved the situation but little. True the ballot is now prepared and distributed by public officials, and this marks a gain over the former system of private or partisan preparation and distribution; but the defects are still many. The objections to the present law are perhaps best summed up in a statement issued by the Union Committee for the Promotion of Ballot Reform and the Merit System in Pennsylvania, comparing the existing law with the proposed bill drafted by the Pennsylvania Ballot Reform Association and advocated by the Union Committee, as follows:

THE PRESENT BALLOT IS:	THE PROPOSED BALLOT IS:
COMPLEX.—There are two, and under some conditions three ways of marking. This puzzles the voter and leads to errors and litigation. The arrangement and duplication of names, the extraordinary number of columns, the location of exclusively county tickets in the lower half of the sheet, are all bewildering.	SIMPLE.—There is only one way to mark it and there are no perplexities in the instructions. The voter's intent is not open to misconstruction, and the question of legal entanglements is eliminated. No name can appear upon it more than once. The arrangement is uniform at all elections.
UNFAIR.—It favors certain groups of candidates and discriminates against others. It makes distinctions between citizens, placing difficulties in the way of the thoughtful and considerate, and making it easy and instantaneous for the careless. This decrees an inequality of citizenship, handicapping the thinking and giving the thoughtless every advantage. The Constitution declares that "Elections shall be free and *equal*."	FAIR.—Every candidate and every voter is upon an equal footing. This is the intelligent, practical and square method indispensable to the permanence of a democracy. An equal chance is given to all—"a fair field and no favor," and precisely the same amount of work is required of every voter; none is weighed down and none is favored—each must make the same number of marks.
UNCERTAIN.—There is an ever-present risk in marking in any other way than within the circle. Only the most scrupulously careful elector feels reasonably sure that he has succeeded in expressing his conviction as he wished to do. Time, thought and close scrutiny are required of one voter and a premium is placed on carelessness and inconsiderateness for the other.	SAFE.—There is no room for doubt. The elector is voting for some person or persons for a specific office, and beneath the title of each office, finds the statement as to how many he should mark as well as the party designation of each candidate. That the form is easily adaptable is demonstrated by the operation of the Crawford county system of primary elections, by which candidates are voted for directly and are chosen by electors out of long lists of names. The ballot is not experimental, being in successful use in Massachusetts, Rhode Island and other places.

PUBLIC,—Every person in the polling place knows whether the elector marks a straight or a split ticket from the relative length of time taken to mark the ballot. This is against the spirit of the law forbidding a disclosure of the vote, and it robs the elector of the sense of perfect freedom, which is his by right of intent of the law.

INEFFICIENT.—There is no reasonable classification affording the voter who may wish to exercise particular care regarding a certain office, proper facility for picking it out. He is hampered instead of helped. Our government is based upon the idea that each officer shall be chosen specifically with regard to the duty he has to perform, but the ballot we now have distinctly operates against this.

CUMBROUS.—The enormous size of the ballot, the multiplication of columns, the ridiculous deserts of blank space, the repetition of names and titles, and use of columns as mere implements to punish some one, or by false pretence to add to another's strength, all contribute to the arraignment of the present unwieldy monstrosity. The actual ballot from which the within specimen was made in accordance with the provisions of the new measure, was 24 inches wide and 18½ inches long. There were 64 persons named upon it, though the number of names was made, by repetition, to appear as 93. One candidate was placed at the head of four columns and another appeared in five. There were 88 groups or sets of offices and the words "Mark one" or "Insert one" were printed a similar number of times. By actual measurement there were 8¼ lineal feet of absolutely wasted space, including 30⅜ inches totally blank, 36½ inches in unnecessary repetition of titles and 20¼ inches in needless headings. The sheet is difficult for election officers to handle, hard to put in the ballot box, and often compels officials to send for another receptacle.

COSTLY.—There is quite a draft upon every county treasury due to the expense of paper and printing.

SECRET.—Every elector must spend about the same time in the booth while marking his ballot, and there is no way of knowing how he votes. This secrecy makes secure the independence of all citizens. The helpless may have aid, but the proposed law provides that the assistant must be sworn.

COMPLETE.—It makes each office stand out distinctly and, accordingly, fixes a standard of merit. It fulfils the first requirement of a ballot—that it shall facilitate the recording of the real thought of the people. It is a fully competent instrument.

COMPACT.—That it is sensible is apparent. Its condensation and simplicity readily commend it to the eye. Every name can be found quickly, and when it is found, it is with the knowledge that it is nowhere else. The party designation stands out clearly. There is no waste and no maze. The ballot, with a liberal margin, is 9½ inches wide and 15 inches long. The type used is a reproduction of that on the official ballot from which it was copied. It has upon it everything needful that the blanket sheet, from which it was condensed, had. It is easy to handle, not hard to get into the ballot box and can be counted with fewer difficulties than the present ballot.

INEXPENSIVE.—It would not cost half as much as the present form.

I have sought in this article to set forth clearly and concisely the actual conditions relating to Philadelphia elections, and to indicate the reforms needed to eliminate existing evils, and to protect the exercise of the franchise from fraud, corruption and mischance. Only a few of many instances have been cited in support of statements; but sufficient to

justify the contention that there is an immediate need for action on the part of those charged with the duty of legislating on the subject. What we need in Pennsylvania is a complete election code; but pending its drafting, there should be a general effort to secure the enactment of the Ballot Bill just referred to and the adoption of the Registration Amendment.

CLINTON ROGERS WOODRUFF.

Philadelphia.